

REMARKS

Applicants thank the Examiner for the telephone interview of today during which the Allison reference was discussed in view of pending claim 9.

This is a full and timely response to the outstanding nonfinal Office Action mailed October, 2004. Reconsideration and allowance of the application and presently pending claims, as amended, are respectfully requested.

Present Status of Patent Application

Claims 9-13, 15-18, 20, 24, 26, 28 and 32-41 are pending in the present application. Claims 13, 17, 18, 20, 24, 26, 28, 32-34 and 37-41 are allowed in the Office Action. Claims 11 and 12 are objected to. Claims 9, 10, 15, 16, 35 and 36 stand rejected under 35 U.S.C. §103(a). Of these rejected claims, claims 10, 15, 16 and 35 depend upon independent claim 9 and claim 36 depends upon claim 10. No other rejections or objections are presented in the Office Action.

Response To Claim Rejections Under 35 U.S.C. Section 103(a)

Claims 9, 10, 15, 16, 35 and 36 stand rejected under 35 U S C 103(a) as being unpatentable over Allison (U.S. Patent No. 4,016,868) in view of Flick (U.S. Patent 5,374,283). Claim 9 is the only independent claim rejected under this rejection. Applicants will, therefore, focus on claim 9.

The Office Action comments:

Applicant's argument that the fibers are not individually conductive and the strips of Allison are not woven into the garment is without merit. The impregnation of the fibers in Allison renders them individually conductive. The fibers do not have a conductive coating. Applicant makes the assumption that the strips have been previously manufactured and therefore must be sewn into the garment; however, the reference clearly states that strips are woven integrally with the garment at column 3, lines 29-30.

Office Action at pages 2-3. Applicants respectfully traverse. Applicants respectfully suggest the Office Action's comments may show a misunderstanding of Applicants' argument.

Allison states at column 3, lines 20-27:

“All of the strips in the garment are approximately 1/8 inch wide, with the strips in each pair being parallel to each other and approximately 1/2 inch apart. All of the strips are elastic fabric such as nylon, impregnated with a conductive metal, preferably silver. Other metals such as aluminum, gold or copper may serve also. The impregnated strips are woven into the garment fabric at the selected intervals as the garment is being manufactured, presenting a uniform interior and exterior surface. The remaining fabric of the garment is nonconductive, consequently each strip and patch is insulated from all others. Since the strips are woven integrally with the garment, they are not detachable.” (Emphasis added).

Allison, therefore, states that the strips incorporated into Allison’s garment are formed of an elastic fabric. The strips are impregnated with a conductive metal. Allison then states that “[t]he impregnated strips are woven into the garment fabric”. Allison, therefore, makes it clear that its strips are previously manufactured and impregnated prior to the strips being woven into the garment fabric. More particularly, Allison states that it is the strips that are formed of an elastic fabric that are impregnated. Allison does not state whether the strips themselves are formed by weaving or knitting. The strips of Allison, therefore, are not formed of one or more individually conductive fibers integrated therein by the process of knitting or weaving the fabric, each conductive fiber being individually conductive prior to incorporation into the fabric of the strip as recited in claim 9.

Allison does not teach or suggest a fabric-based sensor in the form of a knitted or woven fabric formed from one or more individually conductive fibers integrated therein by the process of knitting or weaving the fabric, each conductive fiber being individually conductive prior to incorporation into the fabric-based sensor. Allison instead teaches the formation of strips from an elastic fabric and impregnation of the elastic fabric after formation of the elastic fabric to render it conductive.

In this regard, Allison is no different than Flick. The deficiency of Allison is not remedied by Flick. Flick teaches that to obtain conductivity in its apparatus, a metallized coating must be applied to a previously formed fabric. The nylon fabrics of Flick are not conductive until a metallized coating is applied. This is further supported by the fact that nylon is a compound which is known to have good electrical resistance. Since Allison teaches forming its strips from elastic fabric and then rendering the strips conductive by impregnating the strips, the combination of Allison in view of Flick does not render claim 9 obvious as the combination does

not meet every element of claim 9. Applicant respectfully submits, therefore, that the rejection of claim 9 should be withdrawn.

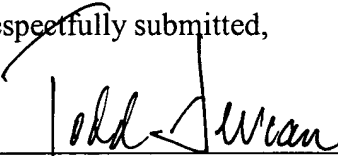
Claim 9 is amended to clarify the conductivity of its recited fabric-based sensor is due to its formation from individually conductive fibers that are conductive prior to their incorporation into a fabric and not as a result of application of a metal coating (as in Flick) or impregnation (as in Allison) after the fabric-based sensor is formed.

If independent claim 9 is allowable over the prior art of record, then Applicant submits that the remaining rejected claims are also allowable as a matter of law because they contain all of the features/elements of claim 9 and any intervening claim.

CONCLUSION

In light of the foregoing amendments and for at least the reasons set forth above, Applicant respectfully submits that all objections and/or rejections have been traversed, rendered moot, and/or accommodated, and that the all pending claims 9-13, 15-18, 20, 24, 26, 28, and 32-41 are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. If, in the opinion of the Examiner, a telephone conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (770) 933-9500.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Todd Deveau", is written over a horizontal line.

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